

REMARKS

Claims 1-17, 23-36 and 44 are pending; claims 18-22 and 37-43 are withdrawn pursuant to the restriction requirement issued July 5, 2006, and the election made herein.

RESTRICTION REQUIREMENT

The Examiner has required restriction under 35 U.S.C. § 121 to one of the following inventions:

- I. Claims 1-17, 23-36 and 44, drawn to a luminescent phosphate phosphor glass, classified in class 501, subclass 11.
- II. Claims 18-22 and 37-43, drawn to a cold light source device, classified in class 313, subclass 512.

Applicants hereby elect the claims of Group I, Claims 1-17, 23-36 and 44; drawn to a luminescent phosphate phosphor glass.

ELECTION OF SPECIES

The Office Action further states, "If applicant elects Group I [sic], then election of species applies..." Three allegedly distinct species are then described.

Applicants request clarification of this requirement, as it appears there is a clerical error in the text of the Office Action. Specifically, although the species requirement is said to apply if the claims of Group I are elected, the subject matter of the species are defined in terms of "a cold light service device" by reference to Claim 18/1 (Species I), 37 (Species II); and 42 and 43 (Species III). These species fall within the subject matter of Group II of the restriction, not Group I. Applicants' counsel discussed this apparent discrepancy with the Examiner in a brief telephone conversation on July 19. Although the Examiner reserved the right to review the substance of the requirement further, he agreed that it would be appropriate for Applicants to

respond to the Action as if the election applies to Group II, not to Group I. Applicants appreciate the Examiner's time and courtesy discussing this matter. Accordingly, in view of Applicants' election of Group I, election of species is not required and no such election is made.

CONCLUSION

Applicants submit that the subject matter of the present claims is patentable. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: July 24, 2006

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